

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GERTRUDE NEUMARK ROTHSCHILD,

Plaintiff,

v.

CREE, INC.,

Defendant.

No. 05 CIV. 5939 (WGY)

ECF CASE

**DECLARATION OF GERARD F. DIEBNER IN SUPPORT OF
PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT
OF AND PRECLUDE EXPERT TESTIMONY FROM DEFENDANT'S PATENT
EXPERT MARTIN J. ADELMAN**

I, Gerard F. Diebner, declare as follows:

1. I am an attorney with the law firm of Troutman Sanders LLP, counsel for Plaintiff Gertrude Neumark Rothschild ("Dr. Neumark") in this matter. I submit this Declaration in support of Plaintiff Gertrude Neumark Rothschild's Motion In Limine To Exclude The Expert Report Of And Preclude Expert Testimony From Defendant's Patent Expert Martin J. Adelman.

2. The sole purpose of this Declaration is to place in the record before the Court true and accurate copies of the following public documents which are referenced in plaintiff's accompanying motion. The significance of these documents is explained in the accompanying memorandum in support of the motion.

Exhibit No.

Description

A

Expert Report of Martin J. Adelman on Inequitable Conduct. Pages 49, 50, 58 and 59 contain redactions because they main contain confidential information.

B

Deposition transcript of Martin J. Adelman, dated August 20, 2009.

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: October 9, 2009

Respectfully submitted,

By: 

Gerard F. Diebner
Albert L. Jacobs, Jr.
Daniel A. Ladow
Timothy M. Salmon
Troutman Sanders LLP
The Chrysler Building
405 Lexington Avenue
New York, New York 10175
Tel: (212) 704-6000
Fax: (212) 704-5928

Attorneys for Plaintiff
Gertrude Neumark Rothschild

CERTIFICATE OF SERVICE

I hereby certify that on October 9, 2009, all counsel of record that have consented to electronic service are being served with a true and correct copy of the foregoing DECLARATION OF GERARD F. DIEBNER IN SUPPORT OF PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT OF AND PRECLUDE EXPERT TESTIMONY FROM DEFENDANT'S PATENT EXPERT MARTIN J. ADELMAN via the Court's CM/ECF filing system.


Gerard F. Diebner